

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-22 are pending. Claims 1, 3, 4, 8, 11, 13, 14, and 18 are amended, and claims 21 and 22 are added. Claims 1 and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Foreign Priority Claim

The Examiner has acknowledged the Applicants' claim for foreign priority.

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed August 25, 2003, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Drawings

The Examiner has not indicated whether or not the drawings have been accepted. Clarification is respectfully requested in the next official communications.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1-10, 13, and 14 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claims 1, 3, 4, 13, and 14 to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Obviousness-Type Double Patenting Rejection

Claims 1-20 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Application No. 10/646,744. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants are herewith submitting a Terminal Disclaimer disclaiming the terminal portion of any patent granted on the present application which would extend beyond the expiration of any patent which issues from U.S. Application No. 10/646,744. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102 as being anticipated by Simpson (U.S. 5,653,651. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 has been amended to recite a combination of elements in a chain tensioner including *inter alia*

the tensioner lifter being disposed substantially closer to a pivot point of the control arm than to a pivot point of the tensioner arm.

In addition, independent claim 11 has been amended to recite a combination of elements in a chain tensioner including *inter alia*

wherein the control arm is shaped differently from the tensioner arm, the control arm being shaped for transmitting the pressure from the tensioner lifter to the tensioner arm at a specific pressure point N of the control arm,

the control arm not contacting the tensioner arm directly under point P where the tensioner lifter applies the pressure to the control arm.

Support for the novel features set forth in each of independent claims 1 and 11 can be seen, for example, in FIG. 1.

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Simpson.

For example, as can be seen from Simpson FIGS. 1 and 5, upper arm 12 and lower arm 22 have the same shape, and the piston 41 is substantially equi-distant from the pivot points of the arms 12, 22.

Further, as can be seen from Simpson FIG. 4 blade 17 and blade 27 have the same shape, and the piston is substantially equi-distant from the pivot points of the blades 17, 27.

Thus, the Simpson device cannot achieve the result moving the tensioner arm by a large amount via the control arm by a relatively small stroke of the lifter rod of the tensioner lifter owing to the arm ratio of the control arm.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Simpson. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner is advised that dependent claims 21 and 22 have been added. Support for the features of claims 21 and 22 can be seen in FIG. 1.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) are respectfully requested.

CONCLUSION

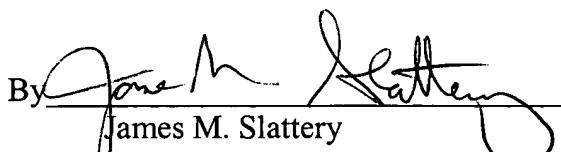
Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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